

THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA,  
NORTHERN DIVISION

A.G., a minor child, by and through her  
mother and next of friend, K.C.; D.A., a  
minor child, by and through her mother  
and next of friend, B.A.; A.L., a minor  
child, by and through her mother and  
next of friend, C.T.; M.K., a minor child,  
by and through her mother and next of  
friend, K.K.; and M.H., a minor child, by  
and through her mother and next of  
friend, B.H.,

Plaintiffs,

v.

AUTAUGA COUNTY BOARD OF  
EDUCATION; JOSEPH L. BUTLER; and  
TERRY WRIGHT,

Defendants.

CASE NO.: 2:05-CV-1090-MEF

**MOTION TO COMPEL THE DEPOSITIONS OF DEFENDANT  
LARRY BUTLER, ANGEL GARRETT AND DENE CLEVELAND**

Plaintiffs, pursuant to Rule 37(a) F.R.C.P., seek an Order from this Court compelling the depositions of Defendant Larry Butler, Angel Garrett and Dene Cleveland.

As grounds for their motion, they would show the following:

1. On October 13, 2005, Plaintiffs filed their *Complaint* in the United States District Court for the Middle District of Alabama.
2. On January 24, 2006, this Court entered a *Scheduling Order* for the parties, which set forth a discovery cut-off date of April 12, 2007 and a trial date of June 4, 2007.

3. On June 7, 2006, Plaintiffs B.A., D.A., B.H., and M.H. submitted to depositions in this case.

4. On June 13, 2006, Plaintiff C.T. and A.L. submitted to deposition.

5. On June 14, 2006, Plaintiff K.K. and M.K. submitted to depositions in this case.

6. On June 13, 2006, during the deposition of Plaintiff C.T. and A.L., Plaintiff's counsel informed defense counsel that Plaintiff K.C. was available anytime and that her daughter A.G. was visiting her father for the summer in the state of Texas and would not return to Alabama until shortly before school started in August.

7. Plaintiff's counsel inquired about taking the deposition of certain board employees and was informed that no employees would be put up for deposition until all of the Plaintiff's were taken.

8. On June 14, 2006 at the conclusion of the deposition of K.K. and M.K., Plaintiff's counsel again requested to take the deposition of certain school board employees and got the same response as the prior date. Plaintiff's counsel then suggested to defense counsel that she could go to Texas and Plaintiff's counsel would make A.G. available for her deposition in Texas, but Plaintiff's counsel would not ask A.G. to return to Alabama for her deposition during her summer vacation with her father.

9. Defendant's counsel has made it clear to Plaintiff's counsel they will not offer any employees of the Autauga County Board of Education or Mr. Butler's deposition until all of the depositions of the Plaintiff's have been taken. (See Exhibit "A", "B", "C" & "D") (Letters dated May 2005, May 2006 and June 2006).

10. On June 16, 2006, Plaintiff's counsel noticed the deposition of Larry Butler, Angel Garrett and Dene Cleveland. (See Exhibits "E", "F" and "G")

11. On June 21, 2006, Plaintiff's counsel received another letter from defense counsel stating she would not put up any employees that work with the Autauga County School Board system until all of the depositions of the Plaintiffs were taken. (See Exhibit "H")

12. Plaintiff now seeks an Order from this Court compelling the depositions of Larry Butler, Angel Garrett and Dene Cleveland prior to the taking of Plaintiff A.G.'s deposition in August of 2006.

/s/Michael J. Crow  
MICHAEL J. CROW (CR039)  
Attorney for Plaintiffs

OF COUNSEL:

BEASLEY, ALLEN, CROW,  
METHVIN, PORTIS & MILES, P.C.  
P.O. Box 4160  
Montgomery, AL 36103-4160  
(334) 269-2343

/s/Robert D. Drummond  
ROBERT D. DRUMMOND (DRU004)  
Attorney for Plaintiffs

OF COUNSEL:

Attorney at Law  
323 De LaMare  
Fairhope, AL 36532  
(251) 990-6249

**CERTIFICATE OF SERVICE**

I hereby certify that I have served a copy of the foregoing upon all counsel of record listed below by placing a copy of the same in the U.S. Mail, first class postage prepaid, on this the 22<sup>nd</sup> day of June, 2006.

/s/Michael J. Crow  
OF COUNSEL

Terry Wright  
1268 Plum Street  
Prattville, Alabama 36066

Katherine Hortberg  
Mark Boardman  
Boardman, Carr, Reed, Hutcheson  
Post Office Box 382886  
Chelsea, Alabama 35238-2886